Remarks

Claims 1 and 11 have been amended to indicate that the calcium carbonate or titanium dioxide has a coating "consisting essentially of" saturated fatty acid, salt thereof, or mixture thereof. Support for "coating" is found in the application at page 9, lines 10-22.

Claim 8 has been amended to replace "filler" with "calcium carbonate or titanium dioxide" in order to provide consistency with the antecedent in claim 1.

Priority

The Office Action indicates that the application appears to claim subject matter disclosed in prior application no. 09/889,875, filed 7/20/2001, and points out the need to insert reference to the prior application if the Applicant intends to rely on their filing dates under 35 USC 119(e), 120, 121, or 365(c). Applicant thanks the Examiner for pointing out this omission and has provided an amendment to the specification to make the appropriate reference.

The Examiner included remarks in the Office Action directed to requirements in making claims of priority. Applicants enclose copies of filing receipts associated with this case. Applicants kindly request any clarification the Examiner may offer in the event this information is insufficient.

Specification

The Office Action makes reference to the Applicant's response filed on 12/11/2007 in which Applicant drew attention to an error in wording regarding Magnifin H-51V, the error being that Magnifin H-51V is magnesium hydroxide coated with aminopolysiloxane and not fatty acid as recited on page 16 of the application. The amendment presented above corrects this error.

There are a plethora of patent references describing the correct composition of Magnifin H-51V. For the record, two of these, US 6,462,121 and 6,576,160 are included with this response. In US 6,462,121, a description of Magnifin H-51V as magnesium hydroxide coated with aminopolysiloxane is found at column 4, lines 52-63. In US 6,576,160, a similar description is found at column 6, lines 36-37.

Claim Objections

Claims 7 and 8 stand objected to because the term "saturated fatty acid" does not have full antecedent basis given that claim 1 recites "saturated fatty acids". Claim 1 has been amended above to change "acids" to "acid", thus providing proper antecedent basis for claims 7 and 8. Applicant requests withdrawal of the objections to claim 7 and 8.

Claim Rejections Under *35 USC § 112*

Claims 11-13 and 15 stand rejected under 35 USC 112, second paragraph as being indefinite in that the terms "the mineral filler", "the nylon" and "the filler" lack antecedent basis. Claim 11 has been amended above to replace "the mineral filler" and "the filler" with "calcium carbonate or titanium dioxide", and replace "the nylon" with "one or more polyamides". This change restores proper antecedent basis, and consequently, it is requested that the rejection of claim 11 and claims 12, 13 and 15 dependent on 11 be withdrawn.

Applicant wishes to thank the Examiner for considering nylon to be the "at least one polyamide" and calcium carbonate or titanium dioxide to be the "filler" in the interest of compact prosecution.

Claim Rejections Under *35 USC §103*

Claims 1-5, 7,8 10-13 and 15 stand rejected under USC 103(a) as being unpatentable over Metzenmacher et al. (US 75,827,906) in view of Hyde (US 4,399,246). Applicant traverses this rejection for the following reasons.

The present invention as now claimed, is a composition comprising polyamide, calcium carbonate or titanium dioxide having an average equivalent spherical diameter of about 0.1 to less than about 3.5 micrometers and an aspect ratio of less than about 5 and having a coating consisting essentially of saturated fatty acid, a salt thereof, or a mixture thereof.

Metzenmacher et al. teaches mineral fillers for polymers that are surface modified in one of two ways. In the first (variant A), he surface modification is a fatty acid derivative from the series consisting of polymeric fatty acids, keto fatty acids, fatty alkyl oxazolines and fatty alkyl bisoxazolines. Optionally, there can be included a siloxane derivative. In the second (variant B), the mineral fillers are surface

modified by means of a fatty acid and a siloxane derivative (column 1, lines 59-65). The polymers for use with the treated mineral fillers include polyamides.

Metzenmacher et al. is deficient as an obviating reference. Variant A of Metzenmacher et al. is not pertinent since the present application does not include the fatty acid derivatives required in the reference. Variant B teaches fatty acid but also requires a siloxane derivative. Indeed, a column 2, lines 47-48 the reference states:

> "In order to achieve the requisite property profile, the siloxane component is essential in variant b)." (Underlining added for emphasis)

Thus Metzenmacher et al. teaches away from the present invention, the amendments to the claims of which proposed above, now exclude siloxane derivatives.

Applicant further submits that combination of Metzenmacher et al. with Hyde does not lead to the present invention. Hyde discloses compositions that are polyamides containing mineral filler having a mean average particle size of 2.0 micrometers or less, at least one aminofunctional silane and at least one N-substituted hydrocarbyl sulfonamide. Thus combination of Hyde with Metzenmacher et al. would result in a composition with the required filler particle size, but that composition would still require ingredients in addition to the fatty acid required in the present invention. It is stated in the Office Action that Metzenmacher et al. discloses calcium carbonate and titanium dioxide treated with fatty acids such as stearic acid at column 2, lines 30-46. However, this citation refers to variant B of Metzenmacher et al., which further requires a siloxane component.

In view of Metzenmacher et al. teaching away from the composition claimed in the present application and the failure to repair this deficient by combination with Hyde, Applicant requests withdrawal of the rejection under USC 103(a) as being unpatentable over Metzenmacher et al. (US 75,827,906) in view of Hyde (US 4,399,246).

Examiner's Response to Previous Arguments

The response to the arguments filed by applicant on 12/11/2007 concern the Examiner's statements essentially indicating that the examples in the application do not support the arguments presented in the 12/11/2007 response.

Applicant submits that in view of the amendment to provide "consisting essentially of" language with respect to the filler coating and the arguments presented above, the issues raised in that response and by the Examiner are now moot.

SUMMARY

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. If there are any fees due which have not been accounted for, please charge them to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

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Dated: 10-17-08

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